

Remarks

Election/Restrictions

In the Office Action, the Examiner has noted that claims 1-6 and 8-20 are subject to restriction (however, the Examiner has mistakenly noted that claims 1-20 are pending in the application and are subject to restriction and/or election requirement). In particular, the Examiner has given a seven-way restriction in accordance with 35 U.S.C. 121 and 372 as follows:

<i>Inventions</i>	<i>Class/Sub-class</i>
Group I. Claims 1-3, 8 and 11-14 drawn to a compound of, and composition with, formula (I).	564/various
Group II. Claim 4 drawn to a process of preparing formula (I).	514/various
Group III. Claims 5-6 drawn to compounds of formula (IIa).	560/various
Group IV. Claims 9-10 and 15-20, where the method is treating psychotic disorders.	514/various
Group V. Claims 9-10 and 15-20, where the method is treating memory and cognitive disorders.	514/various
Group VI. Claims 9-10 and 15-20, where the method is treating appetite disorders and obesity.	514/various
Group VII. Claims 9-10 and 15-20, where the method is treating tobacco or alcohol withdrawal.	514/various

As indicated above, through this response, Applicants provisionally elect invention Group I ***with traverse***, namely, claims 1-3, 8 and 11-14, drawn to a compound of, and composition with, formula (I). In addition, as noted by the Examiner, Applicants further elect provisionally with traverse a sub-generic species falling within the scope of invention Group I to be a compound of formula I, wherein R₂ is a group NR₉R₁₀. A single compound within the scope of this sub-generic species is compound no. 1 found in Table 2 in the specification at page 22. Please note that all of elected claims 1-3, 8 and 11-14 read on this elected subgeneric species. Examiner's imposition of seven-way restriction is respectfully traversed below.

Applicants respectfully submit that this seven-way restriction as imposed by the Examiner is improper based on the following grounds. In particular, Applicants respectfully submit that the
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search of all of the claims 1-6 and 8-20 should not impose any undue burden on the Examiner, which is quite clear from the Table as summarized above. Applicants' assertion is based on the fact that all of invention Groups II and IV to VII are in the same class of 514. Furthermore, invention Group I is listed in class 564 and invention Group III is listed in a related class of 560.

More specifically, invention Groups I and III are directed respectively to a class of compounds of formula (I) and (IIa). Even more specifically, compounds of formula (IIa) are precursor compounds to compounds of formula (I), i.e., compounds of formula (IIa) are esters which can be employed to make compounds of formula (I) which are amides. Invention Group II is directed to preparation of compounds of formula (II) which are carboxylic acids and are again precursors to compounds of formula (I). Finally, invention Groups IV to VII are directed to various methods of treatment using a class of compounds of formula (I). More importantly, for the purpose of searches, as we noted above, all of the invention Groups II and IV to VII are in the same class of 514 as evident from the above summarized Table. Similarly, as we noted above, invention Groups I and III are more or less in similar classes: 564 and 560 respectively. Thus it is submitted that when the Examiner is searching for one invention group, that itself may facilitate the search of other invention groups. Thus, it should not impose any undue burden on the Examiner to search all inventions together. Therefore, Applicants respectfully submit that all inventions be rejoined and examined together.

In addition, Applicants note that the election was made with the understanding that, if the elected species is found allowable, the Examiner will continue to examine the full scope of the pending claims to the extent necessary to determine patentability of these pending claims, i.e., extending the search to a reasonable number of the non-elected species, as is the duty according to M. P. E. P. § 803.02 and 35 U.S.C. § 121. It is further noted that Applicants are entitled to consideration of claims to additional species which depend or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

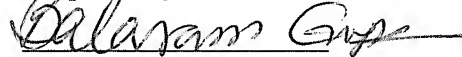
Finally, it is respectfully submitted that Applicants will be entitled to request rejoinder of method claims of invention Groups IV to VII commensurate in scope with the allowable product claims of invention Group I pursuant to the guidelines set forth in MPEP § 821.04(b).

In the event the Examiner wishes to contact the undersigned regarding any matter, please call (collect if necessary) the telephone number listed below.

Applicants believe there are no fees due for this response. However, if the Examiner deems that fees are due, please charge these fees to Deposit Account No. **18-1982** for sanofi-aventis U.S. LLC, Bridgewater, NJ. Please credit any overpayment to Deposit Account No. **18-1982**.

June 26, 2007

Respectfully submitted,



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